

b)
at least one section of [a] one of the side [panel] panels on at least said one side of said vehicle being hinged, whereby said at least one section of a side panel [same] can be opened to expose the interior of said storage box and closed to cover the interior of said storage box;

c) at least one latch mechanism mounted to releasably secure said at least one hinged section of said [fender/] ^{one} side panel; and

lock means for actuating said at least one latch mechanism.

Claim 2, line 2, change "covers" to read --extends over--.

Claim 3, line 2, change "the" to read --a--.

Claim 4, line 3, before "hinged" insert --at least one--.

Claim 12, amend to read as follows:

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b) 12. (Amended) The hidden storage system of Claim 1, wherein said one side panel additionally includes at least another section thereof which is hinged such that said at least another section [it] can be moved outwardly to expose the interior of said storage box.

Claim 14, line 2, before "said" insert --a bottom area of--.

Claim 24, line 2, change "means" to read --components--;

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 line 3, change "at." to read --at--

Claim 25, line 1, after "merchandise" insert a --,--.

Claim 29, cancel.

Claim 30, line 3, change "section" to read --sections--.

Claim 31, line 3, after "rearward" insert a --,--.

Claim 33, line 2, after "rearward" insert a --,--.

Please Add The Following Claims:

34. The vehicle of Claim 30, wherein each of said plurality of hinged sections is hinged horizontally.

~~App'd~~ 35. A hidden storage system for a vehicle having a conventional bed without substantially altering an external appearance of side panels of the conventional bed compared to an external appearance of an identical conventional bed without the hidden storage system, said conventional bed comprising of a floor section, a front wall section, two side panel sections, and a tail gate section, with all sections being of substantially the same height, and being adapted to be mounted on wheels, said storage system comprising:

a storage box having an opening mounted on at least one side of said conventional bed, said opening of said storage box being located adjacent a side panel of said at least one side of said conventional bed,

at least one portion of an overall length of a side panel adjacent said storage box being hinged, whereby said hinged portion of said side panel can be moved outward to expose an interior of said storage box via said opening in said storage and moved inwardly to cover said opening and thus the interior of said storage box, without substantially altering the height of and the external

appearance of said overall side panel of said conventional bed, and a lock/latch mechanism mounted to releasably secure said at least one hinged portion of said side panel.

b2 b3c *further* 36. ~~The hidden storage system of Claim 35, wherein said bed includes at least a pair of wheel wells, and wherein said storage box extends over one of said wheel wells and extends forward and rearward therefrom.~~ *conventional*

b2 37. ~~The hidden storage system of Claim 35, wherein said storage box has a height less than a height of said bed.~~ *conventional*

b2 b3c 38. ~~The hidden storage system of Claim 35, wherein each side of said bed is provided with a storage box having an opening therein positioned adjacent a side panel of said bed and wherein at least one portion of an overall length of both side panels adjacent said storage boxes are hinged, whereby outward or inward movement of said hinged portions of said side panel expose or cover the interior of said storage boxes, and lock/mechanisms for securing each of said hinged portions of said side panels.~~

39. ~~The hidden storage system of Claim 35, wherein said storage box is provided with at least one shelf therein.~~

b2 b3c 40. ~~The hidden storage system of Claim 35, wherein the at least one hinged portion of the side panel has a length of substantially the overall length of said side panel, and is hinged horizontally at an upper end section thereof, whereby outward movement of said hinged portion of said side panel raises said~~

portion to expose the interior of said storage box along substantially an exterior length of said storage box.

AnsC8 41. The hidden storage system of Claim 35, additionally including at least one strut assembly for maintaining said hinged portion of said side panel in an open position after being moved outwardly.

42. The hidden storage system of Claim 35, wherein ^{one of said} side panel is provided with a plurality of horizontally hinged sections, whereby outer movement of any of said hinged sections exposes a section of the interior of said storage box.

Oath/Declaration

The Examiner's objections to the declaration is apparently based on the misconception that the instant application is a continuation-in-part, when in fact the instant application is a continuation, filed under 37 CFR 1.53(b). Thus, a continuation does not require a new declaration. Also, the amendment to page 1 of Applicants' specification, as set forth in the Preliminary Amendment, clearly identifies the instant application as a continuation, and it is clearly not "a continuation-in-part", as stated by the Examiner. Thus, the "oath or declaration" is not defective, and thus this objection should be withdrawn.

The 35 USC 112 Rejections

Claim 29 is rejected under 35 USC 112, first paragraph, as containing subject matter not supported by Applicants' disclosure.

Claim 29 has been cancelled and thus this issue is moot.

Claims 1-5, 7, 10-12, 14, 24, and 31-33 are rejected under 35 USC 112, second paragraph, as being indefinite. The objections have been primarily overcome by amendments. However, Applicants take issue with the objections to Claim 4, lines 3-4, Claim 10, line 3, and Claim 12, line 2, wherein the original terminology is correct, as supported by the terminology in line 6 of parent Claim 1. Also, in view of the terminology in line 2 of Claim 31, the objections to Claim 31, lines 3 and 4, Claim 32, line 2, and Claim 33, line 2, are deemed to be without basis. Thus, this ground of rejection should be withdrawn.

Claim Objections

Claims 1-5, 7, 10-12, 14, and 24-33 are objected to because of informalities. With the exceptions of Claims 7 and 32, the objections have been overcome by amendments. However, the requirement for a comma after certain terms is merely a matter of the Examiner's preference since the terminology is grammatically correct without the comma. As to Claim 32, the term "rearward" does not appear therein. As to Claim 7, two storage boxes are set forth, and the Examiner's proposed changes would cause the claim to be misdescriptive.

The Double Patenting Rejection

Claim 11 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being

unpatentable over Claim 11 of copending Application No. 08/910,516. While terminology in Claim 11 of the instant application is similar to that of Claim 11 of S.N. 08/910,516, it depends from parent Claims 10 and 1 of entirely different scopes than Claiam 11 of S.N. 08/910,516. A dependent claim includes all the limitations of its parent, and where the two parent claims are compared with Claim 11 of S.N. 08/910,516, the double-patenting issue falls. Thus, this ground of rejection should be withdrawn. If the double patenting rejection is proper, it should include Claims 1 and 10, which features are included in Claim 11.

The 35 USC 103 Rejections

Claims 1-5, 7, 10, 12, and 24-33 are rejected under 35 USC 103(a) as being unpatentable over Sisler in view of Stiles and Ogilvie 1966. Claims 1-3, 5, 7, 12, 14 and 24-33 are rejected under 35 USC 103(a) as being unpatentable over Sisler in view of Stiles and LeVee. Since the primary reference and the secondary reference in each rejection are the same a single response to both rejections is deemed adequate. The Examiner incorrectly states that Sisler discloses "a storage box mounted on each side of the enclosure of the vehicle", when in fact Sisler discloses three (3) separate storage boxes on each identified as 21, 22 and 23, each being constructed to contain a different material therein such as gravel, water, and gasoline. To attempt to stretch the three different compartments of Sisler into a single storage box on one or both sides of the vehicle,

as recited in Applicants' claims, is pure hindsight reconstruction in view of Applicants' disclosure. Hindsight reconstruction is improper under 35 USC 103. See, for example, In re Van Vanderham et al, 154 USPQ 20 (CCPA 1967) and Ex parte Weber, 154 USPQ 491 (Bd. Appl. 1967). Claim 25, for example, sets forth "a vehicle having an enclosure", and "at least a rear door". Where in Sisler is there found such a vehicle? While the bed of Sisler might be broadly construed as the "enclosure", where is the claimed "rear door"? Note that the Examiner contends that Sisler discloses a vehicle having "at least one rear door", "an enclosure", and "tailgate sections". No "tailgate sections" are shown in Sisler, but since most pickup beds include a tailgate, one can be assumed. But where in Sisler is found the "at least one rear door", as stated by the Examiner? Such simply is not taught by Sisler. Further, Claim 26 adds "at least a driver's side door in said enclosure, and with storage system being "located intermediate said driver's side door and said rear door". If, as stated by the Examiner, Sisler discloses a vehicle having "a driver's side door, a cab, at least one rear door, and an enclosure", then if the bed constitutes the "enclosure", how does this reference possibly read on Claim 26 since there is no "driver's side door" in the bed of Sisler and no "rear door"? This lack of teaching is further amplified by Claim 27, wherein the vehicle includes "a cab section having at least one door therein, said cab section being located forward of said enclosure".

Obviously, Sisler fails to teach the claimed "rear door", the claimed "driver's side door in said enclosure", and the claimed location of the storage system between "said driver's side door and said rear door". Also, the Examiner incorrectly states that each of the three boxes 21, 22 and 23 cover "a wheel well forwardly and rearwardly". Where is the subject matter of Claim 31 found? A simple viewing of Fig. 1 of the reference refutes this statement, wherein only box section 21 covers the wheel well. The proposed modification of Sisler would render the Sisler device inoperable for its intended purposes. Such is improper under 35 USC 103. See, for example, Illinois Tool Work, Inc. v. Continental Can Co., Inc., 154 USPQ 401 (D.C.N.D. Ill., 1967).

Stiles is applied for the statement on page 2, col. 2, lines 8-15, "that certain of the panel plates (22) may be similarly hinged to afford access to compartment spaces". How panel plates 22 are hinged is not taught in this reference. The Examiner speculates that hinging of the plates 22 would not alter the external appearance of the vehicle, but how would such hinged compartments be opened - probably by an exposed locking mechanism, thus altering the external appearance.

Ogilvie 1996 disclosed a conventional utility bed for a vehicle, and not a storage system for a conventional pickup bed or for a van, emergency vehicle, etc. As in Sisler, where in Ogilvie is the "at least one rear door", and "an enclosure", as stated by the

Examiner. Also, the storage compartments of Ogilvie are not intermediate the driver's side and rear doors of the vehicle as set forth in the claims. Further, where in Ogilvie is found the "strut" of Claim 10? Is the bed of Ogilvie an "enclosure" as claimed?

LeVee, like Ogilvie, is a conventional utility bed, and according to the Examiner discloses the claimed "rear door" and the "drain/air relief valve assembly". Where are such components found in this reference? The air flow system of LeVee is not located in the bottom area of the storage box. Also, the storage boxes of LeVee are not "intermediate" the driver's side and rear doors of the vehicle as recited in the claims, nor are they "intermediate" the doors of the cab of LeVee, but are located behind the doors. No "rear door" is found in LeVee.

In each of the two rejections under 35 USC 103, the Examiner contends that it would be obvious to reconstruct the vehicle of Sisler in view of Stiles and Ogilvie 1996 or in view of Stiles and LeVee. The Examiner further contends that in view of Stiles, it would be obvious to hinge sections or all of Sisler's bed side panels. Now if such side panels were hinged, how is there access to the three closed compartments of Sisler? The examiner also contends that Sisler modified by Stiles could obviously be further modified by Ogilvie 1966 or LeVee to add certain features from these references to the vehicle of Sisler. What the Examiner is proposing as obvious is combining components from utility type beds into a

conventional, non-utility type bed. The world recognizes that conventional pickup beds are significantly different than utility beds.

Here the Examiner has, after having had the advantage of Applicants' disclosure, picked compartments from various references and contends that it would be obvious to so modify the primary reference. Would not such a modification render the Sisler device inoperable for its intended purpose? It is impermissible within the framework of 35 USC 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to full appreciation of what such reference fairly suggests to one of ordinary skill in the art. See In re Wesslau, 147 USPQ 391 (CCPA 1965). There must be some suggestion in the art to combine components to support a holding of obviousness. See Ex parte Erdmann et al, 194 USPQ 96 (Bd. Appl. 197). To support an obviousness conclusion, references must either expressly or impliedly suggest claimed combination. See Ex parte Clapp, 227 USPQ 972 (Bd. Appl. 1985). Where is such a suggestion found for combining these references other than in Applicants' disclosure?

Here it has been shown that the references fail to teach or suggest various features set forth in the claims, and it is further submitted that the proposed combination of references is based on a after review of Applicants' disclosure and constitutes nothing more than a picking of components from the references, and without giving

consideration as to how the proposed modification would adversely affect the primary reference. Accordingly, each of the grounds of rejection under 35 USC 103 is deemed to be improper and should be withdrawn.

Objections To Specification

The Examiner contends that the same reference numerals for the exact same components cannot be used in the description of different figures. The Examiner also contends that if there are twenty (20) figures they must be numbered from 1 to 20. It is submitted that the Examiner's contention is inconsistent with current practice within the Office. Numbers in patents are being issued with, for example, Figs. 1A, Fig. 1B, etc. Applicants' draftsman has contacted the Drawing Branch of the Office, which confirmed Applicants' contention that Examiner's position is in error. It is requested that the Examiner check with appropriate drafting personnel to determine the current Office practice as to sequential numbering of the figures and the use of the same reference numerals for identifying the exact same components in different figures.

Objections To The Drawings

Upon review of the drawings, certain reference numerals have been omitted, or are incorrect. By separate letter entitled Proposed Drawing Corrections, a copy of the drawings needing correction, with the changes in red ink, is submitted. As to the "bulkhead section" of Claim 28, such is shown in Figs. 2 and 4, the component directly